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By: **Senator Harris**  
Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Criminal Law - Altering the Results of a Drug or Alcohol Screening Test -**  
3                                   **Penalties**

4 FOR the purpose of prohibiting a person, with intent to defraud or alter the outcome  
5 of a certain drug or alcohol screening test, from altering certain bodily fluid,  
6 substituting a certain sample with another, or possessing or using a certain  
7 bodily fluid adulterant; prohibiting a person, with intent to defraud or alter the  
8 outcome of a certain drug or alcohol screening test, from selling, distributing,  
9 offering to sell or distribute, or transporting into the State, certain bodily fluids  
10 or bodily fluid adulterants; establishing certain penalties; defining certain  
11 terms; and generally relating to certain drug or alcohol screening tests.

12 BY adding to  
13 Article - Criminal Law  
14 Section 10-111  
15 Annotated Code of Maryland  
16 (2002 Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19                                   **Article - Criminal Law**

20 10-111.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (2) "BODILY FLUID" MEANS BLOOD, URINE, SALIVA, OR OTHER BODILY  
24 FLUID.

25 (3) "BODILY FLUID ADULTERANT" MEANS ANY SUBSTANCE OR  
26 CHEMICAL THAT IS INTENDED, FOR THE PURPOSE OF ALTERING THE RESULTS OF A  
27 DRUG OR ALCOHOL SCREENING TEST, TO BE:

28 (I) CONSUMED BY A PERSON;

1 (II) INTRODUCED INTO THE BODY OF A PERSON; OR

2 (III) ADDED TO A SAMPLE OF BODILY FLUID.

3 (4) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING  
4 STATED IN § 5-101 OF THIS ARTICLE.

5 (5) "DRUG" HAS THE MEANING STATED IN § 5-101 OF THIS ARTICLE.

6 (6) "DRUG OR ALCOHOL SCREENING TEST" MEANS AN ANALYSIS OF A  
7 SAMPLE OF BODILY FLUID COLLECTED FROM A PERSON FOR THE PURPOSE OF  
8 DETECTING THE PRESENCE OF ALCOHOL, DRUGS, OR A CONTROLLED DANGEROUS  
9 SUBSTANCE IN THE BODILY FLUID OF THE PERSON.

10 (B) A PERSON MAY NOT, WITH INTENT TO DEFRAUD OR ALTER THE OUTCOME  
11 OF A DRUG OR ALCOHOL SCREENING TEST:

12 (1) ALTER A BODILY FLUID SAMPLE;

13 (2) SUBSTITUTE A BODILY FLUID SAMPLE WITH A BODILY FLUID  
14 SAMPLE OF ANOTHER PERSON OR ANIMAL;

15 (3) POSSESS OR USE A BODILY FLUID ADULTERANT;

16 (4) SELL, DISTRIBUTE, OR OFFER TO SELL OR DISTRIBUTE:

17 (I) ANY BODILY FLUID FROM A HUMAN OR ANY ANIMAL; OR

18 (II) ANY BODILY FLUID ADULTERANT; OR

19 (5) TRANSPORT INTO THE STATE:

20 (I) ANY BODILY FLUID FROM A HUMAN OR ANY ANIMAL; OR

21 (II) ANY BODILY FLUID ADULTERANT.

22 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF:

23 (1) FOR A FIRST VIOLATION, A MISDEMEANOR AND ON CONVICTION IS  
24 SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING  
25 \$5,000 OR BOTH; AND

26 (2) FOR EACH SUBSEQUENT VIOLATION, A FELONY AND ON CONVICTION  
27 IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING  
28 \$10,000 OR BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2003.